

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,) CAUSE 3:04-CR-240-P
)
v.)
) NOVEMBER 24, 2008
HOLY LAND FOUNDATION, ET AL.) DALLAS, TEXAS
) 2:55 P.M.

VOLUME 37 OF 37

VERDICT

BEFORE THE HONORABLE JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE
and a jury

A P P E A R A N C E S

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1 (IN OPEN COURT AT 2:55 P.M.)

2 (JURY NOT PRESENT.)

3 THE COURT: I understand that the jury has
4 a verdict.

5 Let me ask counsel. Mr. Jacks, are you
6 ready for the jury?

7 MR. JACKS: Yes, Your Honor.

8 THE COURT: And counsel over here, ready
9 for the jury?

10 MS. HOLLANDER: Yes, Your Honor.

11 MR. WESTFALL: Yes, Your Honor.

12 MR. DRATEL: Yes, Your Honor.

13 MS. MORENO: Yes, Your Honor.

14 MS. CADEDDU: Yes, Your Honor.

15 THE COURT: We have a full courtroom. And
16 let me just remind the members of the public that
17 are here, we have a verdict and we are getting ready
18 to read those verdicts. We understand these are
19 difficult issues, they can be emotional issues, but
20 let's remember where we are.

21 We don't want any reaction to the jury's
22 verdict. The foreman of the jury has a difficult
23 job. They have done their job. We don't know what
24 the verdict is. But once we read it, I ask that you
25 respect the proceedings here and remember that we

1 are in a courtroom and that you maintain -- do not
2 have any outbursts, and just remember that we are in
3 a courtroom until after the jury is excused.

4 Bring the jury in.

5 (Jury enters courtroom.)

6 THE COURT: Ms. Schukar and members of the
7 jury, good afternoon. I know you have been working
8 hard, but we understand you have reached a verdict.

9 Is that correct, Ms. Schukar?

10 JURY FOREMAN: Yes, Your Honor.

11 THE COURT: If you will hand the verdict
12 to the bailiff, please, ma'am.

13 The verdict of the jury with respect to
14 Count 1: The verdict as to each of the defendants
15 is guilty.

16 With respect to Count 2: The verdict as
17 to each of the three defendants named in there is
18 guilty.

19 Count 3: The verdict as to each of those
20 three defendants is guilty.

21 Count 4: The verdict as to each of the
22 defendants is guilty.

23 Count 5: The verdict as to each of those
24 three defendants is guilty.

25 Count 6: The verdict as to each of those

1 three defendants is guilty.

2 Count 7: The verdict is guilty as to each
3 of the three defendants.

4 Count 8: Guilty as to each of the three
5 defendants.

6 Count 9: Guilty as to each of the three
7 defendants.

8 Count 10: Guilty as to each of the three
9 defendants.

10 Count 11: Guilty as to each of the five
11 defendants named in that count.

12 Count 12: Guilty as to each of the three
13 defendants named in that count.

14 Counts 13, 14, 15, 16, 17, 18, 19, 20 and
15 21: The verdict is guilty as to each of the three
16 defendants named in each one of those counts.

17 Count 22: The verdict is guilty as to
18 each of the five defendants named in that count.

19 Counts 23, 24, 25, 26, 27, 28, 29, 30, 31
20 and 32: The verdict is guilty as to each of the
21 three defendants named in those counts.

22 Count 33: The verdict is guilty as to the
23 two defendants named in that count.

24 And then Counts 34, 35, and 36: The
25 verdict is guilty as to each defendant named in

1 those particular counts.

2 And Ms. Schukar, you have signed the
3 verdict form and you have dated it today's date?

4 JURY FOREMAN: Yes, we have.

5 THE COURT: Let me ask you, ma'am: Is
6 this the verdict of each member of the jury? That
7 is, is this a unanimous verdict?

8 JURY FOREMAN: Yes, sir.

9 THE COURT: All members of the jury have
10 agreed to this; is that correct?

11 JURY FOREMAN: Yes.

12 THE COURT: And I propose to accept the
13 verdict of the jury. Any legal reason not to at
14 this time, Mr. Jacks?

15 MR. JACKS: No, Your Honor.

16 THE COURT: From the defense?

17 MS. CADEDDU: Yes. We would ask that the
18 members of the jury be polled individually.

19 THE COURT: Members of the jury, counsel
20 has asked that the jury be polled, which they are
21 entitled to do by law. So I will call out each of
22 your names and then ask if this is your verdict as
23 to each one of these verdicts as to each of these
24 counts that have been returned.

25 And Ms. Schukar, we will begin with you,

1 as our presiding juror. Is this your verdict as to
2 each of these verdicts that you have indicated on
3 this form?

4 JURY FOREMAN: Yes, sir, it is.

5 THE COURT: And Juror Number 3, is this
6 your verdict?

7 THE JUROR: Yes.

8 THE COURT: Juror Number 4?

9 THE JUROR: Yes.

10 THE COURT: Juror Number 5?

11 THE JUROR: Yes.

12 THE COURT: Juror Number 6?

13 THE JUROR: Yes.

14 THE COURT: Juror Number 7?

15 THE JUROR: Yes, Your Honor.

16 THE COURT: Juror Number 8, is this your
17 verdict?

18 THE JUROR: Yes.

19 THE COURT: Juror Number 9?

20 THE JUROR: Yes, Your Honor.

21 THE COURT: Juror Number 10?

22 THE JUROR: Yes.

23 THE COURT: Juror Number 11?

24 THE JUROR: Yes.

25 THE COURT: Juror Number 12?

1 THE JUROR: Yes.

2 THE COURT: With that, members of the
3 jury, we will accept your verdict. And there are
4 other proceedings that we have to go to in this
5 particular case.

6 As part of the indictment, the government
7 had made a forfeiture allegation where they are
8 seeking to recover some of this money by virtue of
9 your return of the guilty verdicts on the money
10 laundering counts. So we ask that you be in recess.
11 This will probably take some 15 to 20 minutes,
12 another little charge.

13 This won't be as lengthy of a proceeding
14 as what you have been through, but we should get it
15 to you sometime this afternoon. I will read you
16 some instructions that go with that particular
17 forfeiture allegation, and then we will give you a
18 verdict form that has two questions that we need to
19 ask that you retire to deliberate and answer those
20 two questions.

21 So we wish we could let you go, but we
22 have a little bit longer to go. So if you will step
23 back into the jury room for 15 or 20 minutes, we
24 will resume then.

25 (Jury leaves courtroom.)

1 THE COURT: Mr. Jacks, are you ready to
2 proceed with the forfeiture allegations?

3 MR. JACKS: Yes, Your Honor.

4 THE COURT: Do you need some time?

5 MR. JACKS: Just a few minutes to
6 formulate the steps we want to take, Your Honor.

7 THE COURT: And then counsel for the
8 defense -- and I will go ahead and state on the
9 record, and we will give you a chance to get it on
10 the record.

11 We had a discussion with counsel off the
12 record, not knowing what the verdict was going to
13 be, but in anticipation that if it was a guilty
14 verdict on the money laundering, that we would need
15 to address the forfeiture counts. We had the
16 opportunity to do that, but we weren't on the
17 record.

18 So do you want to take a break first, and
19 then we will come back and get your statements on
20 the record? Let's take about a 20-minute recess and
21 come back and let you get on the record your plan on
22 proceeding.

23 Anything else we need to address before we
24 recess for now?

25 We will be in recess for 20 minutes.

1 (Recess taken from 3:01 to 3:28.)

2 THE COURT: Counsel, have you had enough
3 time to review the charge? Ms. Hollander,
4 Mr. Westfall, Ms. Moreno, Ms. Cadeddu?

5 MS. CADEDDU: I just got it, Your Honor.

6 THE COURT: Just take a few minutes.

7 MS. CADEDDU: Your Honor?

8 THE COURT: Yes.

9 MS. CADEDDU: Before I forget, on behalf
10 of Mr. Abdulqader, I need to renew the Rule 29
11 motions for Judgment of Acquittal on all counts as
12 to all elements.

13 MS. MORENO: Join on behalf of Mr. Elashi,
14 Your Honor.

15 MR. DRATEL: Join on behalf of
16 Mr. El-Mezain, Your Honor.

17 MR. WESTFALL: Mr. Odeh, as well.

18 MS. HOLLANDER: Mr. Abu Baker, as well.

19 MS. CADEDDU: And double jeopardy on
20 behalf of all.

21 MR. DRATEL: On behalf of all.

22 MS. MORENO: Double jeopardy on behalf of
23 Mr. Elashi.

24 MR. DRATEL: And collateral estoppel for
25 Mr. El-Mezain.

1 MR. WESTFALL: We incorporate, Your Honor,
2 the same thing, double jeopardy.

3 MS. HOLLANDER: We incorporate on behalf
4 of Mr. Abu Baker.

5 THE COURT: The Court's rulings will be
6 the same. The motions are denied.

7 Mr. Jacks, you've got a proposal?

8 MR. JACKS: Sir? Excuse me, Your Honor?

9 THE COURT: You have a proposal, I see.

10 MR. JACKS: Yes, Your Honor. That was
11 prepared by our forfeiture section. And it is from,
12 I believe, an earlier case as well as it was
13 prepared prior to the -- or during the first trial
14 of this case. And I didn't have this version that
15 the Court just handed out so that I can put them
16 side by side.

17 THE COURT: Okay. Go ahead, take a look.

18 Counsel for the defense, are you ready to
19 get on the record and state some of the objections
20 we were discussing off the record earlier?

21 MS. MORENO: I am, Your Honor.

22 THE COURT: Go ahead.

23 MS. MORENO: With respect to the special
24 verdict form, Your Honor, in all areas of that
25 special verdict form 1 and 2, where it indicates

1 preponderance of the evidence, it would be our
2 position that the standard -- the appropriate
3 standard should be beyond a reasonable doubt.

4 Especially in number 2, if I may read it
5 to the Court.

6 THE COURT: Yes.

7 MS. MORENO: It says: "If you answered
8 yes to Question Number 1, what portion, if any, of
9 the \$12,400,000 of the United States currency
10 alleged in the indictment," and we would insert
11 there, "'beyond a reasonable,' doubt constitutes
12 property involved in the commission of the offense
13 alleged in Count 22 or property traceable to such
14 property?"

15 So we believe that beyond a reasonable
16 doubt is the appropriate burden, pursuant to Booker,
17 and it should be both in Number 1 and Number 2 on
18 the special verdict form.

19 With respect to -- I'm speaking on behalf
20 of Mr. Elashi. And Ms. Hollander may have other --

21 THE COURT: Well, each counsel may have
22 each of the objections, so you don't have to repeat
23 them. Each defendant can have each objection that
24 each counsel is making.

25 MS. MORENO: I'm saying if she has

1 something in addition.

2 THE COURT: I understand, yes. I'm just
3 saying, so we don't have to repeat the objection.

4 MS. MORENO: I understand, Your Honor.

5 THE COURT: Go ahead.

6 MS. MORENO: With respect to the
7 forfeiture, we believe that this should be as to
8 each defendant. The way it is fashioned now, it
9 treats the defendants as a whole. And I believe
10 that's improper and that it should be as to each
11 defendant.

12 On page 2 again, and throughout this
13 forfeiture, it has as the burden of preponderance of
14 the evidence. We believe everywhere preponderance
15 of the evidence is cited, it should be beyond a
16 reasonable doubt and by each defendant.

17 What is missing from the forfeiture on
18 behalf of the defense is those two essential
19 ingredients, that the burden of proof is incorrect
20 and that each defendant needs to be found
21 individually because it is an in personam
22 forfeiture. And that would be my comments thus far.

23 THE COURT: Ms. Hollander?

24 MS. HOLLANDER: Your Honor, I will
25 incorporate Ms. Moreno's arguments. I would just

1 like to add, as to the issue of beyond a reasonable
2 doubt, forfeiture is a penalty. And therefore,
3 under the case law, Booker primarily and Supreme
4 Court, we believe that the -- I just wanted to add
5 the authority that this should be proof beyond a
6 reasonable doubt throughout and that there should be
7 individual liability, since this is an in personam
8 procedure.

9 We also on the record ask the government
10 to stipulate that the government has Holy Land --
11 has approximately -- we're not sure of the exact
12 amount. But according to the government, they
13 believe it's approximately \$5 million from the Holy
14 Land Foundation. We believe the jury is entitled to
15 know that the government has that money and ask the
16 government to stipulate to that.

17 And finally, we would also ask that the
18 government stipulate that Shukri Abu Baker is
19 indigent and that counsel is appointed. And absent
20 that stipulation, that the Court take judicial
21 notice of that, primarily because this is an in
22 personam proceeding.

23 And it is relevant because unlike a drug
24 case or a gambling case, this was a nonprofit
25 organization, and any money he made was his salary.

1 There is no evidence of anything else. And that he
2 is indigent, and we believe we are entitled to argue
3 that to the jury.

4 THE COURT: Thank you. Mr. Westfall?

5 MR. WESTFALL: Your Honor, of course I
6 will adopt everyone's arguments.

7 But I am going to ask the Court to take
8 judicial notice of the Court's file, the clerk's
9 file, which contains an affidavit of indigency on
10 behalf of Abdul Odeh. And I do want the jury to
11 know the fact that Abdul Odeh is indigent.

12 Now, do you want me to attempt to take --
13 to ask you to take judicial notice in front of the
14 jury, or how would you like to proceed with that,
15 Your Honor?

16 THE COURT: Let me get back to you on
17 that. I will just hear objections. And then I will
18 hear a response from the government, and then we
19 will resolve that. Any other objections?

20 MR. WESTFALL: Not from me.

21 THE COURT: Ms. Cadeddu?

22 MS. CADEDU: Yes. I would just adopt the
23 arguments of other counsel and also ask for the same
24 stipulations and that the same judicial notice be
25 taken on behalf of Mr. Abdulqader.

1 THE COURT: Any response, then?

2 MR. JACKS: Yes, Your Honor. In regards
3 to the burden of proof, the Court has properly
4 described it as preponderance of the evidence with
5 just the burden of proof in these forfeiture
6 proceedings.

7 With regard to the request that there be a
8 separate verdict form as to each defendant, we don't
9 believe that that is proper because the focus of the
10 issue in the forfeiture proceeding is the money and
11 what amount of money is forfeitable as a result of
12 the defendants' convictions. And so it is not
13 necessary that each defendant have a separate
14 verdict form, since the focus of the jury's inquiry
15 is what amount of money is forfeitable, not how it
16 should be divided among the defendants, if at all.

17 And then as far as the stipulations are
18 concerned, those items -- those facts are not issues
19 that are relevant before the jury in the sense that
20 what amount of money there may be frozen in an
21 account somewhere is not determinative of how much
22 money should be forfeited as a result of the
23 evidence in this case. And likewise, the fact that
24 one or more of the defendants may be indigent is not
25 a relevant issue.

1 If a defendant chose to put on evidence
2 that they did not receive any fees or commissions or
3 something such as that, that may be a different
4 issue. But just to ask the Court to take judicial
5 notice that they are indigent is not proper.

6 And likewise, the issue of the Court
7 taking judicial notice of the fact that there is an
8 affidavit of indigency on file for any particular
9 defendant is likewise not a determinative factor.

10 First of all, the issue of indigency is
11 not determinative of whether or not any money should
12 be forfeited as a result of these convictions.

13 And then secondly, the fact that there is
14 an affidavit in the Court's file would be hearsay,
15 and we would submit that the Court should not take
16 judicial notice of those particular affidavits.

17 Just -- Your Honor, just for the record,
18 there is a 5th Circuit case, U.S. v. Gasanova, with
19 a G, 332 F.3d 297, that reaffirms that the burden of
20 proof in a criminal forfeiture proceeding is by a
21 preponderance of the evidence.

22 THE COURT: Okay.

23 MR. WESTFALL: Your Honor, may I respond
24 to one thing?

25 THE COURT: Yes.

1 MR. WESTFALL: During the trial, Mr. Jacks
2 made the allegation to a witness that the MLFA was
3 paying all these attorneys' fees, all these
4 defendants' fees. And he knew it was untrue at the
5 time, and of course it is untrue.

6 I would say that by proving up that
7 statement that he proved up, he not only made
8 individual determination of the forfeiture relevant
9 and the, you know, presumption or the preponderance
10 of the evidence standard, whatever, but I think
11 indigency and individual determination, he has made
12 those relevant and also increased the harm, if
13 indeed they are denied and that's error. We would
14 ask the Court to consider that.

15 THE COURT: Mr. Dratel?

16 MR. DRATEL: I just want to make sure,
17 because the previous version of the indictment that
18 had mentioned Mr. El-Mezain in the forfeiture, I
19 just wanted to make sure that that has been
20 corrected so it is no longer in it. I would also
21 ask for an individual jury verdict form for that
22 purpose, as well, so there is no confusion
23 whatsoever that he's not in the forfeiture.

24 THE COURT: Well, we have stated who the
25 defendants are that have been found guilty, which

1 are the five defendants that went to the jury in the
2 jury charge. I don't think that's an issue.

3 I think the government is correct that the
4 burden of proof is by a preponderance of the
5 evidence.

6 And the issue in the forfeiture allegation
7 is whether the property that the government alleges,
8 that that's subject to forfeiture because it
9 constitutes property involved in the commission of
10 the offense or was traceable to such property, as
11 the jury has asked, and then they are asked to
12 determine what amount. Those are the issues.

13 So I don't think indigency is an issue for
14 the jury. It's not a basis for the jury to make a
15 determination as to whether this \$12.4 million is
16 forfeitable. So I'm not going to let you go into
17 that issue before the jury.

18 As far as taking judicial notice of the
19 affidavit, I can do that. I don't need to do that
20 for this particular proceeding because I don't think
21 it's relevant before the jury. At some point, if it
22 becomes an issue in some of the ancillary
23 proceedings, I'll be glad to do that if it's
24 appropriate. But I don't think that that's an issue
25 for the jury in answering the questions that we are

1 submitting to them.

2 I think the individual liability is
3 determined by the guilty verdicts. Each of the
4 defendants that was found guilty of that particular
5 count, then that's the individualized liability, in
6 personam liability.

7 And then the only issue that is left
8 before the jury is whether this money that the
9 government has alleged is subject to forfeiture or
10 how much of it.

11 I am proposing to submit the instructions
12 to the jury that I have handed out to counsel. I
13 have read yours, Mr. Jacks. They do amplify a
14 little bit. But I think everything that we have in
15 ours is included in yours. And I think I am
16 prepared to submit this to the jury just in the
17 interest of not delaying this any further and in
18 hearing further objections. All counsel has had the
19 opportunity to review these, and I think they
20 correctly state the law.

21 So my proposal -- my intent at this point
22 is to bring the jury in and have the forfeiture
23 allegation read and then pleas of not true from the
24 defense, and then I will ask each side about any
25 evidence that you wish to present. And then once

1 that's done, I will read the charge, the
2 supplemental instructions, and then closing
3 arguments. So that's it.

4 MR. JACKS: Yes, sir. Your Honor, the
5 only issue that the government has is the Court's
6 intention to ask the defendants to respond to the
7 charge. I don't believe that it's in any way like
8 an arraignment or anything. I think the only
9 purpose of reading that part of the indictment is
10 for the benefit of the jury and that there is no
11 response required on the part of the defendants.

12 THE COURT: Let me just ask: Does anybody
13 disagree with that, Ms. Hollander, Mr. Westfall? Do
14 you want to enter a response, or do you just want it
15 to go to the jury as is?

16 MS. HOLLANDER: We would prefer to stand
17 up and make just a statement that it's not correct,
18 that it's not true. I don't see how that prejudices
19 the government in any way.

20 THE COURT: Okay. We'll permit you to do
21 that, then.

22 MS. HOLLANDER: Thank you, Your Honor.

23 THE COURT: Any other matters?

24 MR. WESTFALL: Yes. How do you want me to
25 handle the judicial notice issue?

1 THE COURT: Not in front of jury.

2 MR. WESTFALL: For the record, it's
3 considered as though I requested it in front of the
4 jury?

5 THE COURT: Well, for the record, I am
6 denying your request to take judicial notice of that
7 and present it to the jury because I don't believe
8 that's a relevant issue for the jury.

9 MR. WESTFALL: Okay. I don't want the
10 Court of Appeals to be able to say that I didn't
11 try.

12 THE COURT: I think the record reflects
13 you have tried.

14 MR. WESTFALL: Very well. Thank you, Your
15 Honor.

16 MR. DRATEL: Your Honor, just while we're
17 all here, on Rule 33 motions, the statutes -- the
18 rule says seven days. However, the Court can give
19 additional time. Given the nature of the case and
20 the complexity of the case, I would ask for 60 days
21 to make those motions.

22 THE COURT: Why don't we address that once
23 the jury goes out? I will get with counsel, and we
24 can address some of these other issues. I
25 understand you will want more time, and we will

1 certainly work with you on that. I haven't thought
2 about how much time exactly.

3 Anything else before we bring the jury in?

4 MR. JACKS: Your Honor, do you want me to
5 read this forfeiture provision by the government?

6 THE COURT: Yes. Someone from the
7 government, if you will read that. All right.
8 Bring the jury in.

9 (Jury enters courtroom.)

10 THE COURT: Mr. Jacks, if you will read
11 the forfeiture allegation in the indictment.

12 MR. JACKS: Thank you, Your Honor.

13 May it please the Court? Members of the
14 jury. The final two pages -- excuse me, three pages
15 of the indictment contain a forfeiture allegation,
16 and I will read that to you at this time:

17 "As a result of committing one or more of
18 the money laundering or monetary transaction
19 offenses in violation of Title 18 United States
20 Code, Section 1956, alleged in Counts 22 through 32
21 of this indictment, the defendants as listed below
22 shall forfeit to the United States of America all
23 property, real and personal, involved in the money
24 laundering or monetary transaction offenses and all
25 property traceable to such property, including but

1 not limited to the following: Defendants Holy Land
2 Foundation, Shukri Abu Baker, Ghassan Elashi,
3 Haitham Maghawri, Akram Mishal, Mufid Abdulqader and
4 Abdulrahman Odeh shall forfeit at least \$12,400,000
5 in United States currency.

6 That sum represents a portion of the sum
7 of moneys sent from a place within the United
8 States, namely the Northern District of Texas, to
9 places outside the United States, including the West
10 Bank and Gaza and other places, as well as moneys
11 that were destined for places outside the United
12 States, with the intent to promote the carrying on
13 of a specified unlawful activity, to wit, willfully
14 contributing funds, goods and services to, or for
15 the benefit of, a Specially Designated Terrorist,
16 namely HAMAS, as set forth in Counts 11 through 21
17 for which the defendants are jointly and severally
18 liable.

19 By virtue of the commission of one or more
20 of the felony offenses alleged -- excuse me, charged
21 in Counts 22 through 32 of this indictment by the
22 defendants Holy Land Foundation, Shukri Abu Baker,
23 Ghassan Elashi, Haitham Maghawri, Akram Mishal,
24 Mufid Abdulqader and Abdulrahman Odeh, any and all
25 interests which the defendants have in the

1 above-described sums are vested in the United States
2 and are hereby forfeited to the United States
3 pursuant to Title 18 United States Code,
4 Section 982(a)(1).

5 In the event any property, real or
6 personal, involved in the offenses and described in
7 Counts 26 through 38 of this indictment or any
8 property traceable to such property, as a result of
9 any act or omission of the defendants:

10 One: Cannot be located upon exercise of
11 due diligence;

12 Two: Has been transferred or sold to, or
13 deposited with a third party;

14 Three: Has been placed beyond the
15 jurisdiction of the Court;

16 Four: Has been substantially diminished
17 in value; or

18 Five: Has been commingled with other
19 property which cannot be divided without difficulty;
20 it is the intent of the United States, pursuant to
21 Title 18 United States Code, Section 982(b)(1), to
22 seek forfeiture of any other profit of said
23 defendants up to the value of the above property.

24 And again, the indictment has been signed
25 by the foreperson of the Grand Jury and by the

1 United States Attorney, by his designated
2 assistants.

3 THE COURT: Thank you. And to each
4 forfeiture allegation, how do the defendants --

5 MS. HOLLANDER: As to Mr. Abu Baker, we
6 state that it is not true.

7 THE COURT: Mr. Westfall?

8 MR. WESTFALL: Not true, Your Honor.

9 THE COURT: Ms. Moreno?

10 MS. MORENO: Not true, Your Honor.

11 THE COURT: Ms. Cadeddu?

12 MS. CADEDDU: Not true, Your Honor.

13 THE COURT: All right. And Mr. Jacks,
14 does the government wish to offer any additional
15 evidence?

16 MR. JONAS: The government is going to
17 rest upon all the evidence presented during the
18 course of the trial. We would like just a few
19 minutes to make argument to the jury.

20 THE COURT: All right. Ms. Hollander, any
21 additional evidence beyond what's been presented?

22 MS. HOLLANDER: No, sir, just what's been
23 presented. We also would like to make argument to
24 the jury.

25 THE COURT: Mr. Westfall?

1 MR. WESTFALL: Your Honor, subject to the
2 rulings that have been made by the Court, no
3 additional evidence.

4 THE COURT: And Ms. Moreno?

5 MS. MORENO: No additional evidence on
6 behalf of Mr. Elashi; the opportunity to make
7 argument.

8 THE COURT: Ms. Cadeddu?

9 MS. CADEDU: The same, as well.

10 THE COURT: Ladies and gentlemen, you will
11 not hear any additional evidence. You can consider
12 the evidence that you heard presented in the trial
13 in answering these questions that I'm going to give
14 to you in just a few minutes.

15 Let me give you some supplemental
16 instructions that I will read to you. And then you
17 can take these back there with you, and then we will
18 ask you to answer two questions once you retire. We
19 will let the lawyers make brief arguments to you on
20 this particular issue of the forfeiture.

21 Court's supplemental instructions to the jury:

22 Members of the jury, now that you have
23 decided that defendants Holy Land Foundation, Shukri
24 Abu Baker, Ghassan Elashi, Mufid Abdulqader and
25 Abdulrahman Odeh are guilty of the offenses alleged

1 in Count 22 of the indictment, you must now decide
2 whether these defendants should forfeit the property
3 as described in the forfeiture allegations of the
4 indictment that were just read to you.

5 "Forfeiture" means to be divested or
6 deprived of the ownership of something as a penalty
7 for the commission of a crime.

8 Title 18 United States Code,
9 Section 982(a)(1), provides that any person
10 convicted of a conspiracy to launder monetary
11 instruments shall be ordered to forfeit to the
12 United States any real or personal property involved
13 in the offense or any property traceable to such
14 property.

15 In the forfeiture count of the indictment,
16 the government contends that at least \$12,400,000 in
17 United States currency represents the property
18 involved in the offense alleged in Count 22,
19 conspiracy to launder monetary instruments or
20 property traceable to such property.

21 You are instructed that the phrase
22 "property involved" in the offense includes: One,
23 the amount of monetary or financial transaction
24 alleged; two, any fees or commissions paid to
25 persons involved in the offense; three, any property

1 used to facilitate the commission of the offense;
2 and four, any property traceable to such property.

3 To facilitate the commission of an offense
4 means to aid, promote, advance or make easier the
5 commission of the act or acts constituting the
6 offense. Property used to facilitate an offense can
7 be in any form.

8 You must decide by a preponderance of the
9 evidence what property, if any, set forth in the
10 forfeiture count of the indictment should be
11 forfeited.

12 A preponderance of the evidence means the
13 matter in question is more likely true than not
14 true. If in your minds the evidence is equally
15 balanced on a matter to be proved, it has not been
16 established by a preponderance of the evidence.

17 In determining whether any fact in issue
18 has been proven by a preponderance of the evidence,
19 you may consider the testimony of all of the
20 witnesses, regardless of who may have called them,
21 and all the exhibits received in evidence,
22 regardless of who may have produced them.

23 In order to be entitled to forfeiture
24 based on a defendant's conviction on Count 22, the
25 government must prove by a preponderance of the

1 evidence that the property to be forfeited was
2 property involved in that offense or property
3 traceable to such property.

4 While deliberating, you may consider any
5 evidence offered in this trial before or after your
6 previous deliberations.

7 In reaching a verdict on the forfeiture
8 allegation regarding Count 22, you may not consider
9 the degree to which a particular defendant was
10 involved in the offense. By law, each defendant is
11 individually liable for the entire amount of the
12 money judgment.

13 A special verdict has been prepared for
14 your use. You are instructed to indicate on the
15 form your determination whether any property is
16 subject to forfeiture to the United States.

17 You will take the verdict form to the jury
18 room. When you have reached a unanimous agreement
19 on the forfeiture verdict, the presiding juror must
20 fill in the date and sign the verdict form.

21 Once you have done this, the presiding
22 juror is to notify the court security officer that
23 you have reached a unanimous verdict so you can
24 return to the courtroom.

25 The special verdict form is two questions.

1 Question Number 1: Do you find from a preponderance
2 of the evidence that any of the \$12,400,000 in
3 United States currency alleged in the forfeiture
4 count of the indictment constitutes property
5 involved in the commission of the offenses alleged
6 in Count 22 or property traceable to such property?

7 Answer either Yes or No by checking the
8 appropriate blank below. There is a Yes or a No for
9 the foreperson to sign the verdict after you have
10 reached a unanimous decision.

11 Question Number 2: If you answered Yes to
12 Question Number 1, what portion, if any, of the
13 \$12,400,000 in United States currency alleged in the
14 indictment constitutes property involved in the
15 commission of the offense alleged in Count 22 or
16 property traceable to such property? If you
17 answered no to Question Number 1, do not answer this
18 question.

19 Instruction: You are to answer in dollars
20 and cents, if any, or none, in the space provided
21 below. And then there is a blank for you to fill in
22 your amount and for the foreperson to date and sign.

23 At this time, the lawyers are permitted to
24 address you in closing argument for a few minutes.

25 Mr. Jonas?

1 MR. JONAS: Thank you, sir.

2 Good afternoon. You all probably thought
3 you were done when Judge Solis read the verdict.

4 You have one more task to take care of,
5 and this one shouldn't take nearly as long as your
6 deliberations, and that is to determine whether or
7 not approximately \$12.4 million in HLF property
8 should be forfeited to the United States. That's
9 based upon Count 22, the money laundering
10 conspiracy.

11 And we're not -- we are relying upon the
12 evidence you heard for six-plus weeks. We are not
13 going to present any more evidence to you. I just
14 want to point out a couple of things as to where we
15 came up with that approximately \$12.4 million
16 figure.

17 You have heard testimony, of course, that
18 the HLF was created for and by HAMAS to raise funds
19 for HAMAS in the United States and then send it to
20 Zakat committees and other institutions in the West
21 Bank and Gaza to support HAMAS's foundation, their
22 social wing.

23 And if you look at the HLF tax returns
24 from 1995 forward -- and I say 1995 because that's
25 when the money laundering first became a crime in

1 this case -- and you look at the program services
2 line, line 13, which you heard testimony from
3 Mohammed Wafa Yaish, their accountant, that's where
4 they reported the payments to the Zakat committees,
5 it includes payments to other organizations, as
6 well, but that's where the Zakat committee payments
7 and all the payments on behalf of HAMAS is reported.

8 If you total up those numbers from 1995
9 forward, you will come up with about \$32 million,
10 way more than the \$12.4 million alleged in the
11 forfeiture count.

12 If you also look at the bank accounts of
13 the HLF, both the domestic accounts here and the
14 foreign accounts in Gaza and West Bank, you will see
15 millions of dollars being moved from the U.S.
16 overseas to the West Bank and Gaza.

17 Some of that money you will end up seeing
18 on those Zakat committee schedules. Some of that
19 money you won't see traced anywhere. But even
20 though it's not traced anywhere further than to the
21 Zakat committees, we submit to you that it's still
22 being used and distributed on behalf of HAMAS to
23 support their social wing. After all, that's what
24 HLF was created for.

25 And if you look at that money, you will

1 come up with at least \$12.4 million, again the money
2 from Dallas to West Bank and Gaza.

3 And finally, if you just total up the
4 Zakat schedules, that's not going to be
5 \$12.4 million, but that's an indication of where
6 some of this money went, as you heard for many, many
7 weeks.

8 So I'm not going to take up any more of
9 your time. I just want to make two quick points.
10 It's not about the defendants' guilt anymore. It's
11 about the property, the money, and whether it should
12 be forfeited to the United States because of the
13 money laundering conspiracy that you found them
14 guilty of.

15 And two, the burden of proof is no longer
16 beyond a reasonable doubt. It's a preponderance of
17 the evidence, which is a much lower standard. And I
18 ask that you find that that \$12.4 million be
19 forfeited to the United States Government.

20 Thank you.

21 THE COURT: Thank you.

22 Ms. Hollander?

23 MS. HOLLANDER: Thank you, Your Honor.

24 Ladies and gentlemen, I only ask you to
25 look at the instructions that the judge gave you.

1 The instructions describe the property involved. I
2 ask you to find no forfeiture in this case.

3 When you consider that the amount of
4 monetary or financial transactions alleged, that's
5 only one item.

6 Number two is any fees or commissions paid
7 to persons involved in this offense. The government
8 has introduced no evidence throughout the course of
9 this trial that Shukri Abu Baker received anything
10 other than a salary, and at that, a low salary, for
11 his time working at the Holy Land Foundation. I ask
12 you to consider that and to make your verdict no
13 forfeiture.

14 Thank you.

15 THE COURT: Thank you.

16 Ms. Moreno?

17 MS. MORENO: Ladies and gentlemen, I want
18 to echo Ms. Hollander's remarks. It's important
19 again that you look at the instructions on the
20 forfeiture.

21 Mr. Elashi, there was no evidence
22 presented throughout this trial that Ghassan
23 received a nickel in salary. He was a volunteer for
24 12 years for the charity. There's no evidence that
25 my client used any property to facilitate the

1 commission of the offense. So on behalf of Ghassan
2 Elashi, I would ask you to find no forfeiture as
3 well.

4 Thank you.

5 THE COURT: Thank you.

6 Mr. Westfall?

7 MR. WESTFALL: Even if we go, you know,
8 with the idea that all of the charity was sent to
9 HAMAS for HAMAS's purposes, it was still charity.
10 We know the money was spent on that.

11 The issue, like it says in the forfeiture,
12 is: Should the defendants forfeit the property
13 described in the forfeiture allegations? Should,
14 meaning it's not automatic, it's not guaranteed.
15 You know, no one, particularly Abdul Odeh, enriched
16 themselves or made a big fat bank account on all
17 this stuff. It was all spent over there.

18 So I think the answer is no to the
19 question of should there be a forfeiture.

20 THE COURT: Thank you.

21 Ms. Cadeddu?

22 MS. CADEDDU: Thank you, Your Honor.

23 Ladies and gentlemen, the instructions
24 tell you that you have to decide by a preponderance
25 of the evidence what property, if any, set forth in

1 the forfeiture count should be forfeited.

2 You have already apparently found beyond a
3 reasonable doubt that Mr. Abdulqader is guilty of
4 the three charges against him. I would ask that you
5 check No on the box of whether, by a preponderance
6 of the evidence, the property alleged constitutes
7 property involved in the commission of the offense.

8 Thank you.

9 THE COURT: Thank you.

10 Mr. Jonas, any closing?

11 MR. JONAS: Thirty seconds, Your Honor.

12 THE COURT: Okay.

13 MR. JONAS: The issue is not whether they
14 made money in this conspiracy, whether they made
15 salary or profited. The issue is whether the money
16 went to HAMAS. And it should be forfeited on the
17 money laundering count that you found them guilty
18 of.

19 Thank you.

20 THE COURT: Thank you.

21 Members of the jury -- Ms. Schukar,
22 members of the jury, if you will step back into the
23 jury room, we will have the instructions, along with
24 the special verdict form, for you when you have
25 reached your decision.

1 (Jury leaves courtroom.)

2 THE COURT: Court will be in recess.

3 (Recess taken from 4:03 to 5:04.)

4 (Jury present.)

5 THE COURT: Members of the jury, I
6 understand you have reached a verdict with respect
7 to this forfeiture issue.

8 JURY FOREMAN: Yes, Your Honor.

9 THE COURT: If you will hand the verdict
10 to the bailiff.

11 The jury's verdict with respect to
12 Question Number 1, the answer is yes.

13 With respect to Question Number 2, the
14 answer is \$12,400,000.

15 It is dated and signed today's date.

16 And I will again ask you, presiding juror:
17 Is this the verdict of each member of the jury, the
18 verdict that you have returned here?

19 JURY FOREMAN: Yes.

20 THE COURT: Any other issues that we need
21 to address before we discharge the jury?

22 MR. JACKS: No, Your Honor.

23 THE COURT: Members of the jury, we will
24 be able to discharge you with this: You have been
25 under some instructions about not discussing the

1 case. And of course the lawyers thank you, and I
2 want to say thank you. I know this has been a
3 difficult case, a long case, longer than what we
4 told you it would take. We do appreciate your
5 attentiveness, and we know you certainly took this
6 seriously, and all the parties, everybody,
7 appreciates that.

8 We will let you go. You will be free from
9 those instructions that you have been under about
10 discussing the case. You don't have to discuss the
11 case with anyone if you don't want to. That's
12 entirely up to you.

13 If you will step back into the jury room,
14 we will visit with you a little bit. I need to take
15 care of some matters here in court, and then I will
16 go back there and try to answer any questions that
17 you may have that came up during the course of the
18 trial. You are excused, and I will visit with you
19 in just a few minutes.

20 (Jury leaves courtroom.)

21 THE COURT: Mr. Jacks or Mr. Jonas?

22 MR. JONAS: Yes, sir. The government
23 requests that the defendants be immediately remanded
24 to the custody of the U.S. Marshal.

25 THE COURT: I will hear from counsel.

1 Mr. Westfall?

2 MR. WESTFALL: Yes, Your Honor. You know,
3 obviously Mr. Odeh has appeared at every single
4 appearance. Every time he's had to be somewhere,
5 he's been somewhere, whether it was up in New Jersey
6 or down here. He has never bailed over the course
7 of several years now. He is not going to bail now.

8 There is -- there are issues -- I think
9 the Court has to agree that there are several novel
10 appellate issues that reasonable minds could
11 disagree about that are going to go to the
12 5th Circuit on this case.

13 And given those issues, we believe that
14 certainly the Court can find that a good-faith
15 appeal, possibly a meritorious appeal, could be
16 taken, and I think that can figure into the Court's
17 analysis.

18 And we would just ask that Abdul Odeh be
19 allowed to remain free on conditions pending
20 sentencing. He is not a flight risk. He's not a
21 risk to the community. And we do have, I think,
22 some solid, arguable appellate issues that the Court
23 can consider.

24 THE COURT: Thank you.

25 Ms. Duncan?

1 MS. DUNCAN: Your Honor, I would adopt all
2 of Mr. Westfall's arguments. And I would just add
3 to those that in addition to having a number of
4 meritorious issues to raise on appeal, there are
5 also a number of novel ones, including in this case
6 the testimony of an anonymous expert, which we are
7 all aware is unprecedented in the history of this
8 country. And also the issue of the co-conspirators'
9 statements and the breadth in which that exception
10 was applied in this case.

11 So under 18 U.S.C. 3145, we would argue
12 that those are exceptional circumstances that would
13 warrant Mr. Abu Baker being on bail pending
14 sentencing in this case, in addition to all the
15 reasons that Mr. Westfall mentioned, appearing at
16 all hearings and not being a flight risk.

17 THE COURT: Thank you.

18 Mr. Dratel.

19 MR. DRATEL: Thank you, Your Honor. I
20 adopt all of counsels' arguments and the following
21 with respect to Mr. El-Mezain. Obviously, four
22 years of appearing, of complete compliance with
23 pretrial supervision, does not constitute a flight
24 risk.

25 In addition, he has a wife and eight

1 children here in the United States. One of them
2 lives in Dallas. So if there was an issue with
3 respect to that, he could possibly be here if the
4 Court thought that was necessary, by electronic
5 monitoring. Any kind of supervision that the Court
6 thinks is appropriate would, I think, resolve those
7 issues in his favor in terms of continuing liberty.

8 In addition, there are significant health
9 issues for Mr. El-Mezain. He had a knee replacement
10 operation last year that still requires attention.
11 He has diabetes, high blood pressure. He takes
12 about six different types of medication for that and
13 other conditions, including cholesterol issues, and
14 he suffers from arthritis.

15 As the Court has seen, he has a cane and
16 has been sitting on a cushion the whole time. He
17 has all those issues which still need attention as
18 we go forward.

19 He's in a little different situation.
20 There's only one count in which obviously there is
21 exposure, but it's a limited amount of exposure in
22 that context in terms of the sentence. But he has
23 been here the entire time and will continue to be
24 so.

25 I also note with respect to the appeal, in

1 addition to the other arguments that other counsel
2 have set forth, the collateral estoppel issue for
3 Mr. El-Mezain, the particular one. And I would note
4 that since we started this case -- I think it was
5 last week, actually it was Friday -- the Supreme
6 Court granted cert on the Yager case out of the
7 5th Circuit.

8 That was, I think, integral in the Court's
9 decision before, and so now we have the Supreme
10 Court that is going to weigh in on that. And I
11 think that makes it clearly a colorable issue
12 because that may change the whole context of how
13 that issue is determined, and it's one that I think
14 has merit.

15 And I think in the context of the trial,
16 we would look at the trial evidence. There is more
17 merit in that additional context. It's far more
18 targeted in terms of the types of evidence, in terms
19 of where they were when it even was pretrial.

20 THE COURT: Thank you.

21 MR. WESTFALL: Your Honor, I can't believe
22 I forgot to mention this. Odeh has primary custody
23 of his 16-year-old son, Kareem -- Mohamad Kareem
24 Odeh. I call him Kahrim. But he has primary
25 custody of his 16-year-old son.

1 And so in addition to having ties to the
2 community, that also, along the same lines, I mean
3 that's what he has to do to get -- kind of get that
4 situation ready before what's going to happen after
5 sentencing.

6 THE COURT: All right. Thank you.

7 MS. MORENO: Your Honor, Mr. Elashi is in
8 a different position than all the rest of the
9 gentlemen. But for purposes of the record, I would
10 adopt all arguments of my co-counsel with respect to
11 all the issues on appeal.

12 THE COURT: Thank you.

13 Ms. Cadeddu.

14 MS. CADEDDU: Yes, Your Honor. I would
15 adopt all the arguments made by my co-counsel, legal
16 arguments.

17 And I would say, on behalf of
18 Mr. Abdulqader, Mr. Abdulqader is an American
19 citizen and has been for quite some time. His wife
20 is American, a native American citizen who has, to
21 my knowledge, not ever lived anywhere else. He has
22 three children, the youngest of whom is 10; 10, 16
23 and 21. His wife, Diane, is not employed.

24 So I would ask, on behalf of
25 Mr. Abdulqader, I believe that exceptional

1 circumstances exist in light of the very unusual
2 issues of first impression that will be taken up in
3 this case. I don't believe that there's any
4 evidence at all that Mr. Abdulqader is a flight
5 risk, and conditions could be set that would ensure
6 his appearance.

7 THE COURT: Thank you.

8 MS. HOLLANDER: Your Honor, could I just
9 add, Mr. Abu Baker also has young children here, and
10 his family is all here, his mother and father and
11 wife and his daughters. He would also --
12 originally, in the very beginning of this case, he
13 was on a bracelet. The probation officer decided to
14 take that off after some period of time.

15 But as an alternative to remanding, he
16 would accept any other conditions, including a
17 bracelet or even home confinement, so that he can
18 prepare his family also.

19 Thank you.

20 THE COURT: Thank you.

21 Mr. Jonas, any final thoughts?

22 MR. JONAS: I will try to be brief, Your
23 Honor. The situation has certainly changed. The
24 defendants are now facing very, very lengthy jail
25 sentences. We understand it's Your Honor's

1 decision. But under the guidelines themselves,
2 which of course are advisory, they are facing a
3 minimum of 30 years.

4 I understand the defendant Mohammad
5 El-Mezain is only convicted of one count. That
6 still has a cap, a statutory maximum of 15 years.
7 So they are facing very long jail sentences, as
8 opposed to this morning they were not.

9 The presumption at this point under
10 18 U.S.C. Section 3143(a) is that they be retained,
11 unless they can show they are not a flight risk or a
12 danger to the community.

13 The government has established that they
14 have access to an inroads with a major terrorist
15 organization that operates in a part of the world
16 that the United States does not reach. And although
17 four of them are U.S. citizens -- although three, we
18 shouldn't count Mr. Elashi, they weren't born here.
19 And that allows them to go to the Jordanian Embassy
20 and get a new passport, and we can't stop that.
21 Once they are out of the United States and into the
22 reaches of the Middle East, we can't get them back.

23 For example, two defendants in this case,
24 Haitham Maghawri and Akram Mishal, are in Lebanon
25 and Syria. We've had an Interpol Red Notice out for

1 years to get them back, and we haven't been able to.
2 So if they flee the United States, we are stuck.
3 They are gone.

4 And they have the ability to do so because
5 of their contacts with a high level of HAMAS, as
6 well as the foreign bank accounts that give them the
7 monetary ability to flee. Like I said, while they
8 may have met the conditions of pretrial release
9 before, it's a different circumstance now.

10 As far as a danger to the community, they
11 are still fundraising. And that, in and of itself,
12 is a danger, a danger to the community. It doesn't
13 necessarily mean a violent danger. It can be other
14 type of dangers, monetary danger.

15 In this case, their fundraising that they
16 continue to do up until today is what got them into
17 this Court to begin with. And that is a danger to
18 the community, the worldwide community. Fundraising
19 for HAMAS, well, you know that's a problem.

20 Just a couple of quick points: Defendant
21 Mohammad El-Mezain is not a U.S. citizen. His
22 health issues can be taken care of by the Bureau of
23 Prisons. They do have facilities to deal with it.

24 And I believe that -- I just want to
25 emphasize that the burden is on them, and the

1 presumption is they should be detained at this
2 point.

3 THE COURT: Well, I've looked at the
4 sentencing guidelines, and I understand that the
5 potential sentences could be fairly lengthy.

6 And while I understand and agree with what
7 counsel has stated as far as the novel legal issues,
8 I think, in light of the potential lengths of the
9 sentences, the crimes that are involved, the
10 connections with out-of-the-country entities and
11 individuals, I think detainment is appropriate in
12 this case.

13 So it will be the judgment of the Court --
14 the order of the Court that the defendants be
15 remanded into the custody of the U.S. Marshal
16 pending their sentencing hearings.

17 Any other matters we need to address,
18 Mr. Jonas?

19 MR. JONAS: No. Just that issue about the
20 gag order that we raised earlier.

21 THE COURT: Yes.

22 MS. HOLLANDER: May we approach?

23 THE COURT: Sure.

24 (The following discussion held at the bench:)

25 MR. DRATEL: The time for the motions, for

1 the posttrial motions, if we can set that on the
2 record, we're asking for 60 days.

3 THE COURT: And we discussed that off the
4 record. Any objection to 60 days?

5 MR. JONAS: We don't have any objections.

6 THE COURT: We will give you 60 days,
7 January 24th, roughly. And once the motions are
8 filed, then why don't you let us know some idea of
9 how much time you want to respond? And we will set
10 response and reply dates, and you can let us know
11 reply times.

12 MR. DRATEL: Thank you.

13 THE COURT: We will do a separate order as
14 far as the sentencing hearing. As far as the
15 report, we will do that by separate order next week.

16 Anything else?

17 MS. HOLLANDER: Yes, Your Honor. I wonder
18 if it would be possible if my client -- and perhaps
19 the others wish to join -- could spend a few minutes
20 with their family before being remanded.

21 THE COURT: I will leave that up to the
22 Marshals, frankly.

23 MS. HOLLANDER: I would like for you --

24 THE COURT: They are the ones that may
25 have some security issues. And if they don't mind,

1 I certainly don't mind. You can tell them that.

2 MS. HOLLANDER: I think you will have to
3 tell them.

4 THE COURT: They will not take your word
5 for it?

6 MS. HOLLANDER: At least with their
7 immediate family for a few minutes would be very
8 much appreciated.

9 THE COURT: Would the Marshal come up here
10 a minute?

11 Of course I've remanded them to custody,
12 but they want their clients to spend some time with
13 their families. What's your thought on that?

14 THE MARSHAL: Personal contact?

15 MS. HOLLANDER: Just in the courtroom.

16 THE COURT: Are you talking about personal
17 contact?

18 MS. HOLLANDER: Just in the courtroom.

19 THE COURT: What's your general policy on
20 that? How would you prefer to do it?

21 THE MARSHAL: Our normal policy is we
22 don't do that. We will do whatever the Court says.

23 THE COURT: I understand that, but I don't
24 want to create a security problem for you. That's
25 why I want your input on this. But if you don't

1 think it's a good thing to do, it's too much of a
2 security issue, then that's the way it is. If you
3 think there's something that can be worked out --

4 MR. WESTFALL: How about defendants on
5 this side of the bar and families on the other so
6 there is no contact?

7 THE COURT: And clear the courtroom.

8 MS. HOLLANDER: We could do it defendant
9 by defendant just for a few minutes.

10 THE COURT: Can you handle that, clear the
11 courtroom and keep the immediate family?

12 THE MARSHAL: The immediate family, and
13 maybe just one at a time. If it gets out of hand,
14 then it stops.

15 THE COURT: That's a good idea.

16 MS. HOLLANDER: Thank you. Appreciate it.

17 THE COURT: We will go ahead and recess,
18 and I think everybody will clear out.

19 MR. WESTFALL: Your Honor, on behalf of
20 Abdulrahman Odeh, I have no objection to the gag
21 order being lifted.

22 THE COURT: And I will order that the gag
23 order be lifted.

24 MR. JONAS: Thank you, sir.

25 (Court in recess at 11:15 A.M.)

C E R T I F I C A T E

I, Shawnie Archuleta, CCR/CRR, certify
that the foregoing is a transcript from the record
of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees
format comply with those prescribed by the Court and
the Judicial Conference of the United States.

This 30th day of June 2009.

s/Shawnie Archuleta
Shawnie Archuleta CCR No. 7533
Official Court Reporter
The Northern District of Texas
Dallas Division

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